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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 UNITED STATES OF AMERICA,
9 Plaintiff,

10 vs.

11 EMMANUEL GARCIA LOPEZ,
12 Defendant.
13

Case No.: 2:18-cr-00180-JCM-VCF-1

**STIPULATION TO CONTINUE
HEARING FOR SENTENCING**

(First Request)

14 IT IS HEREBY STIPULATED AND AGREED, by and between Dayle Elieson, United
15 States Attorney, Brandon C. Jaroch, Esq., Assistant United States Attorney, and David R.
16 Fischer, Esq., counsel for defendant EMMANUEL GARCIA LOPEZ, that the Hearing for
17 Sentencing in the above-captioned matter set for Tuesday, October 16, 2018 at 10:30 A.M. be
18 vacated and continued to a date and time convenient to the Court but no earlier than ninety (90)
19 days.

20 This Stipulation for the continuance is entered into for the following reasons:

- 21 1. This is a joint request by counsel for the Government and counsel for the Defendant,
22 EMMANUEL GARCIA LOPEZ;
23

2. The additional time requested by this Stipulation is reasonable pursuant to Federal Rule of Criminal Procedure 32(b)(2), which states that “the court may, for good cause, change any limits prescribed in this rule”;
3. Both counsel request this additional time in order to allow adequate time to research Sentencing issues and to prepare for the sentencing hearing;
4. Counsel communicated with the Defendant, EMMANUEL GARCIA LOPEZ, who is currently in custody at the Nevada Southern Detention Center and who agrees with the continuance;
5. This is the first request for a continuance filed herein.

WHEREFORE, for the foregoing reasons, the ends of justice would best be served by a continuance of the Sentencing Hearing to be set to a date and time convenient to the Court but no earlier than ninety (90) days.

DATED this 3rd day of October, 2018

/s/ Brandon C. Jaroch
BRANDON C. JAROCH, ESQ.
Assistant United States Attorney
Counsel for the United States

/s/ David R. Fischer
DAVID R. FISCHER, ESQ.
Counsel for Defendant LOPEZ

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/s/ David R Fischer
DAVID R. FISCHER, ESQ.
Attorney for Defendant LOPEZ

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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No.: 2:18-cr-00180-JCM-VCF-1

EMMANUEL GARCIA LOPEZ,

Defendant.

**FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND ORDER**

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the
Court finds that:

1. This is a joint request by counsel for the Government and counsel for the Defendant, EMMANUEL GARCIA LOPEZ;
2. The additional time requested by this Stipulation is reasonable pursuant to Federal Rule of Criminal Procedure 32(b)(2), which states that “the court may, for good cause, change any limits prescribed in this rule”;
3. Both counsel request this additional time in order to allow adequate time to research Sentencing issues and to prepare for the sentencing hearing;
4. Counsel communicated with the Defendant, EMMANUEL GARCIA LOPEZ, who is currently in custody at the Nevada Southern Detention Center and who agrees with the continuance;
5. This is the first request for a continuance filed herein.

1 **CONCLUSIONS OF LAW**

2 The ends of justice served by granting said continuance outweigh the best interest of the
3 public, since the failure to grant said continuance would be likely to result in a miscarriage of
4 justice, would deny the parties herein sufficient time and the opportunity within which to be
5 able to effectively and thoroughly prepare for sentencing, taking into account the exercise of
6 due diligence.

7 The continuance sought herein is excusable under the Speedy Trial Act, Title 18, United
8 States Code, Section 3161(h)(1)(D) and Title 18, United States Code, Section 3161(h)(7)(A)
9 considering the factors in Title 18, United States Code, Sections 3161(h)(7)(B)(i) and
10 3161(h)(7)(B)(iv).

11 **ORDER**

12 IT IS HEREBY ORDERED that the Sentencing Hearing currently scheduled for
13 Tuesday, October 16, 2018, at 10:30 A.M., be continued to January 17, 2019, at 10:00 a.m.
14 in courtroom 6A.

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16 
17 UNITED STATES DISTRICT JUDGE

18 Case No.: 2:18-cr-00180-JCM-VCF-1

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20 DATED: October 4, 2018
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